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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

GWEDOLYN CARTER,

Plaintiff,

vs.

FORT BEND INDEPENDENT SCHOOL  
DISTRICT, et al.,

Defendants.

Case No. 2:17-cv-01930-RFB-CWH

**ORDER**

13 Presently before the court is the Texas Attorney General's Motion to Suspend Local Rules  
14 and Advisory to the Court of Absence of Subject Matter and In Personam Jurisdiction Over the  
15 State of Texas and Over Judge James H. Shoemake, Presiding Judge of the 434th District Court of  
16 Fort Bend County, Texas (ECF No. 8), filed on August 4, 2017. The Texas Attorney General  
17 represents Defendant Judge James H. Shoemake.

18 The Texas Attorney General requests that the court suspend Local Rule IA 11-2, arguing  
19 that because it rarely has the occasion to appear in the District of Nevada, it should be excused  
20 from filing a pro hac vice application. The Texas Attorney General further argues that the court  
21 lacks subject matter and personal jurisdiction over Defendant Judge Shoemake and therefore  
22 requests that the case be dismissed as to this defendant.

23 Local Rule IA 11-2 provides that "[a]n attorney who has been retained or appointed to  
24 appear in a particular case but is not a member of the bar of this court may appear only with the  
25 court's permission." LR IA 11-2(a). The rule sets forth the requirements and procedures for  
26 appearing pro hac vice. LR IA 11-2(a)-(j). The court may waive the requirements of any of the  
27 local rules "if the interests of justice so require." LR IA 1-4.

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1 The court has read and considered the Texas Attorney General's arguments and finds that it  
2 is not in the interests of justice to waive the requirements of LR IA 11-2 in this case. The purpose  
3 of the rule is to allow temporary admission of an out-of-jurisdiction lawyer to practice in this court  
4 for a particular case. The rule further provides that it is presumed that more than 5 appearances by  
5 any attorney under this rule in a 3-year period is excessive use of this rule. LR IA 11-2(h)(1).  
6 Given that the Texas Attorney General rarely appears in this district and seeks to appear for the  
7 limited purpose of representing Judge Shoemaker in this particular case, it appears that the Texas  
8 Attorney General is in the exact position that the rule is intended to cover. The court therefore will  
9 deny the motion to suspend LR IA 11-2. The court notes the Texas Attorney General's argument  
10 that the court does not have jurisdiction in this case, but finds that this argument should be raised in  
11 a separate motion. *See* LR IC 2-2(b) (stating that for each type of relief requested or purpose of the  
12 document, a separate document must be filed). Thus, to the extent the Texas Attorney General  
13 requests dismissal of the case, this motion is denied without prejudice.

14 IT IS THEREFORE ORDERED that the Texas Attorney General's Motion to Suspend  
15 Local Rules and Advisory to the Court of Absence of Subject Matter and In Personam Jurisdiction  
16 Over the State of Texas and Over Judge James H. Shoemaker, Presiding Judge of the 434th District  
17 Court of Fort Bend County, Texas (ECF No. 8) is DENIED as stated in this order.

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19 DATED: August 11, 2017

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22 C.W. Hoffman, Jr.  
23 United States Magistrate Judge  
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